



Appeal Decision

Site visit made on 20 February 2024

by P Storey BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 05 April 2024

Appeal Ref: APP/Q5300/W/23/3330776

174 Elsing Road, Enfield EN1 4NZ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Mr Orhan Toraman against the decision of the Council of the London Borough of Enfield.
 - The application Ref is 23/02076/FUL.
 - The development proposed is retrospective extension, and conversion from single family dwelling to x3 self contained flats.
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. The appeal relates to a development that has been substantially completed. The details I observed on site appeared to match those shown on the submitted plans. I have therefore determined the appeal against the submitted plans on which the Council made its decision.

Main Issues

3. The main issues are:
 - the effect of the proposal on the character and appearance of the area;
 - whether the proposal provides suitable living conditions for prospective occupiers, with specific regard to the floor area and floor-to-ceiling heights of Flat 3;
 - the effect of the proposal on the living conditions of the occupiers of neighbouring properties, with specific regard to outlook and light in relation to Nos 172 and 176 Elsing Road; and
 - the effect of the proposal on housing mix.

Reasons

Character and appearance

4. The appeal site is a semi-detached house with a gable roof. It lies in a residential area formed predominantly of semi-detached and terraced 2-storey properties with gable roofs. The area exhibits common design themes and the properties appear to have been constructed at a similar time, although there are a variety of dwelling types and styles. There are various examples of

extensions and alterations throughout the immediate area, although dwellings generally retain a strong degree of original uniformity.

5. Details of the property's planning history including an appeal allowed in 2021 and a planning application granted by the Council in 2022 form part of the submitted evidence. I have had regard to these cases in my decision.
6. The two-storey side extension aligns with the front and rear elevations and roof of the original dwelling, effectively extending its original profile further to the side. As such, the extension does not appear subordinate to the original property, as per the previous side extension permitted at the site. Nevertheless, given the variation of dwelling types and detailing in the vicinity of the site, the appearance of the extension when viewed from the street is broadly compatible with its surroundings.
7. The rear of the property is prominently visible from publicly accessible areas along Elsing Road to the southeast. Other than the first-floor element, which is set in slightly from the shared boundary with No 172 Elsing Road, the two-storey rear extension covers the full width of the property including the side extension. Although the flat roof of the rear extension is of lower overall height than the crown roof previously approved, the rear extension as a whole is of significantly greater scale and its flat roof design is uncharacteristic, incongruous, and in a highly prominent position. Accordingly, it has an adverse effect on the character and appearance of the area.
8. I acknowledge the property previously featured a dormer window. However, based on the available evidence, this was significantly smaller than the window currently installed, which extends across the majority of the rear roof slope including the side extension. There are several dormer windows on neighbouring properties throughout the surrounding area, but I noted none of a comparable scale to that proposed. Although the dormer window sits within the roof plane, it dominates the rear roof slope of the property which is prominently visible from public areas and neighbouring properties. This effect is exacerbated by its relationship to the flat roof of the rear extension, which extends above the eaves of the property and directly abuts the dormer window. Accordingly, due to its size, bulk and width, the rear dormer window appears disproportionate and incongruous amongst its surroundings.
9. The appellant has presented the previous consents at the site as a fallback position. However, there are vast differences in the overall scale and detailed design of the appeal proposal when compared to previous consents, and accordingly I afford limited weight to any fallback position. In any event, I must consider the appeal proposal on its individual merits.
10. For the reasons given above, I find no specific harm to arise through the two-storey side extension forming part of the proposal. Nevertheless, by reason of their siting, size, bulk, width and design, the proposed rear extensions and dormer window appear unduly dominant, disproportionate and incongruous, resulting in harm to the character and appearance of the area and conflict with Policy D3 of the London Plan – March 2021 (the LP), Policy CP30 of The Enfield Plan Core Strategy 2010-2025 – Adopted November 2010 (the CS), and Policies DMD8, DMD11, DMD13, DMD14 and DMD37 of the Enfield Development Management Document (DMD) – Adopted November 2014 (the DMD). Together these policies seek, in respect of this issue, for development to positively respond to local distinctiveness, to be high quality and design-led, to

be of an appropriate scale, bulk and massing, and for extensions to be proportionate and avoid adverse visual impacts.

Living conditions of prospective occupiers

11. Flat 3 occupies the entire second floor of the development within the converted and extended roof space.
12. The submitted Design & Access Statement establishes that Flat 3 has an internal area of 50 square metres, which aligns with the minimum requirement set by the Nationally Described Space Standard (NDSS).
13. Whilst the submitted floorplans do not specifically illustrate which areas are subject to restricted ceiling heights, the appellant's statement of case notes that a ceiling height of 2.3 metres is achieved for 88% of the floor area. This equates to 45 square metres, which falls below NDSS. Whilst some areas with a lower ceiling height may still be usable, my observations on site suggest that the sloping roofline to the front of the property would severely inhibit the usability of a significant portion of the overall floorspace. Together with the maximum ceiling height of only 2.3 metres, the result is a cramped and compromised living environment that fails to deliver satisfactory living conditions for occupiers.
14. The appellant sets out that the unit benefits from an abundance of natural light, orientation to maximise sunlight and potential for natural ventilation, which I do not dispute. However, these factors would not overcome the harm previously identified.
15. Both the Council and the appellant refer to Policy D6 of the LP, which relates to housing quality and standards. Although Policy D6 is not specifically referenced in the Council's formal decision and I have not been provided with full details of the policy, the Council's evidence suggests the proposal fails to meet its required minimum floor to ceiling height of 2.5 metres for at least 75 per cent of the gross internal area of the dwelling. Nevertheless, even if I were to consider the proposal against this policy, due to the harm previously identified this would not be determinative to this issue.
16. For the reasons given above, the proposal would provide inadequate floorspace and ceiling heights for Flat 3, which would result in substandard accommodation that would harm the living conditions of future occupiers and conflict with Policies D3 and D4 of the LP, Policy CP4 of the CS, and Policies DMD5 and DMD8 of the DMD. Together these policies seek, in respect of this issue, for development to deliver good design and provide appropriate amenity, for new housing to deliver high quality design and sustainability, for housing to be adaptable, and for residential conversions to provide appropriate internal floor space standards. The proposal would also conflict with the London Plan Housing Supplementary Planning Guidance and the NDSS, which have similar aims.

Living conditions of neighbouring occupiers

17. Policy DMD11 of the DMD sets out criteria that proposals for rear extensions should be assessed against. It advises that single-storey extensions should not exceed a line taken at 45-degrees from the mid-point of the nearest original ground floor window to any of the adjacent properties. First floor extensions

should not exceed a line taken at 30-degrees from the mid-point of the nearest original first floor window of adjacent properties.

18. The adjoining property of No 172 Elsinge Road has a single-storey rear extension which abuts the shared boundary with the host property. The proposed rear extension projects beyond this, albeit not to a significant extent. Although the closest ground floor window on the rear elevation of No 172 is not original, and I am provided with no specific drawings illustrating the proposal against the tests set by Policy DMD11, the window is reasonably large and set in from the shared boundary. As such, I am not persuaded that the proposal would adversely affect outlook from the ground floor of No 172.
19. The first-floor windows of No 172 appear unchanged from their original position on the rear elevation of the property, and the proposed rear extension projects significantly rearwards of this. Although no detailed drawings have been provided, the appellant concedes that the extension may marginally project beyond a 30-degree line taken from the mid-point of the adjacent window. Accordingly, even though the first floor element of the rear extension is slightly set in from the shared boundary, it would appear prominent and overbearing from the closest rear-facing first-floor window of No 172. The lack of objection from this property would not alter my assessment of this issue.
20. Although the proposed extension extends significantly rearwards than the corresponding rear elevation of the adjacent but non-adjoining property of No 176 Elsinge Road, it does not directly abut the shared boundary. A similar separation also exists between the building of No 176 and the boundary, leaving a reasonably wide gap between the built form of the two properties. Whilst I am provided with no specific drawings to illustrate the relationship with the windows of No 176, based on the evidence provided, I am not persuaded the proposal would harm the outlook afforded to No 176.
21. I am provided with no technical assessments of effects relating to daylight or sunlight. However, the rear-facing windows of both adjoining properties face south. Even though the proposal would result in some loss of outlook, the affected windows would appear to retain a reasonable level of daylight and sunlight in all other directions. Accordingly, I am not persuaded the proposal would adversely affect the living conditions of neighbouring occupiers in terms of light.
22. I have found no harm in terms of daylight, sunlight, outlook from the ground floor windows of No 172, or outlook from the ground and first floor windows of No 176. Nevertheless, for the reasons given above, the proposal would harm outlook from the closest first floor window of No 172, and accordingly the proposal as a whole would fail to accord with Policy D3 of the LP, Policy CP30 of the CS, and Policies DMD8, DMD11 and DMD37 of the DMD. Together these policies seek, in respect of this issue, for development to protect the amenities of the original building and its neighbouring properties, to promote inclusive and sustainable neighbourhoods, and for development to be appropriate to its context. It would also conflict with the relevant provisions of the National Planning Policy Framework (the Framework), which have similar aims. The Council's decision notice also refers to Policy D8 of the LP, which relates to public realm. I do not find this policy applicable in respect of this issue.

Housing mix

23. Prior to the works taking place, I understand the property was a 3 bedroom house. The appeal proposal seeks to split the house into 3 units comprising a 3 bedroom unit at ground floor, a 4 bedroom unit at first floor, and a 1 bedroom unit at second floor.
24. Policy DMD5 of the DMD requires compensatory provision for family accommodation of 3 or more bedrooms to be provided where the development involves the conversion of existing units into self-contained flats.
25. The Council raises no concern with the provision of accommodation for the first and second floors of the development, which would both provide family sized units. However, because the scheme is reliant on extensions that are unacceptable for other reasons, as discussed previously, the Council considers the proposal unacceptable in respect of this issue.
26. Notwithstanding my conclusions on other issues, the ground and first floor units would provide appropriately sized accommodation for families and would provide adequate family accommodation to compensate for the conversion of a family house. Accordingly, I find no harm in respect of the proposal's effects on housing mix alone.
27. For the reasons given above, the proposal would preserve the borough's stock of family sized accommodation and would accord with Policies H1 and H10 of the LP, Policies CP4, CP5 and CP30 of the CS, and Policy DMD5 of the DMD. Together these policies seek, in respect of this issue, to optimise the potential for housing delivery, to provide an appropriate mix of housing, and to resist the loss of family housing. It would also accord with the relevant provisions of the Framework in this regard, which have similar aims.

Planning Balance and Conclusion

28. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise.
29. My findings above demonstrate the proposal would harm the character and appearance of the area, and the living conditions of both prospective and neighbouring occupiers. These considerations carry significant weight against the proposal.
30. Paragraph 11 d) ii. of the Framework states that where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.
31. Footnote 8 of the Framework states that relevant policies should be considered out of date where the local planning authority cannot demonstrate a five year supply (or a four year supply, in specific circumstances) of deliverable housing sites. The Council is currently unable to demonstrate a five year supply of deliverable housing sites, and I am provided with no evidence to suggest a reduced four year supply should be applied. Accordingly, I consider paragraph 11 d) ii. applies in this case.

32. In addition to retaining a family-sized dwelling, the proposal would provide a net increase of two dwellings, one of which would be family-sized. The site is sustainably located, and the proposal would make efficient use of the site. These factors all carry weight in favour of the proposal in terms of its contribution to the supply of housing.
33. Nevertheless, because the proposal would provide only a small contribution of two units to the supply of housing, the weight attached to these benefits is limited. Accordingly, the adverse impacts of granting the proposal established through my conclusions on the main issues above would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.
34. For the reasons given above, having regard to the development plan as a whole, the Framework, and all other material considerations, I conclude that the appeal should be dismissed.

P Storey

INSPECTOR